

ENTERED

November 06, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAIRYLAND PRODUCE, LLC t/a HARDIE'S
AUSTIN HARDIE'S DALLAS, AND
HARDIE'S HOUSTON

Plaintiff,

- against -

Case No. 4:23-cv-4081

CGHU INVESTMENTS, INC. t/a EDIBLE
ARRANGEMENTS, et al.

Defendants.

STIPULATION AND AGREED ORDER

Plaintiff Dairyland Produce, LLC (**Plaintiff**) and Defendants CGHU Investments, Inc. (**CGHU**), Uri Geva, Christopher Clark, and Haley Clark (**Defendants**) (Plaintiff and Defendants collectively, the **Parties**), jointly submit this Stipulation and Agreed Order to effectuate the November 3, 2023 settlement agreement (**Settlement Agreement**) entered between the Parties.

IT IS HEREBY STIPULATED AND AGREED by the Parties, through their undersigned counsel, subject to approval of the Court, to entry of the following Orders of the Court:

IT IS HEREBY ORDERED that the October 30, 2023 Temporary Restraining Order (Dkt. No. 14) (**TRO**) is dissolved; and it is further

ORDERED that Plaintiff's Motion for Preliminary Injunction (Dkt. No. 4) is withdrawn; and it is further

ORDERED that the preliminary injunction hearing set for November 13, 2023 is cancelled; and it is further

ORDERED that the above-captioned proceeding be stayed pending final effectuation of the terms of the Settlement Agreement, which shall take place on or before December 14, 2023; and it is further

ORDERED that within two business days following effectuation of the terms of the Settlement Agreement, Plaintiff will file a notice of dismissal without prejudice, and within two business days following the 91st day in which none of the Defendants have filed for bankruptcy protection, shall file a notice converting the dismissal to with prejudice; and it is further

ORDERED that, should Defendants default in timely making the payments required by the Settlement Agreement, upon the filing with the Court of a declaration as to such default by Plaintiff's attorney, Plaintiff shall be entitled to entry of an order and judgment against Defendants, jointly and severally, for the full principal balance owed to Plaintiff (\$166,936.68), including under the trust provision of the Perishable Agricultural Commodities Act ("PACA"), 7 U.S.C. § 499e(c)(2), for the balances owed for produce items, plus interest accrued under applicable contract or statute, and Plaintiff's reasonable attorneys' fees, minus all prior payments made under the Settlement Agreement (**Unpaid Amounts**) in the form attached hereto as Exhibit 1; and it is further

ORDERED that should Defendants fail to make the payments required by the Settlement Agreement, Defendants consent to entry of an injunction prohibiting the alienation, dissipation, sale, or assignment of the assets of CGHU and its subsidiaries

